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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,633	09/26/2003	David G. Boyer	502054-A-01-US (Boyer)	8084
47702 7590 12/11/2007 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824			EXAMINER MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			12/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/672,633

**Applicant(s)**

BOYER ET AL.

**Examiner**

Naghmeh Mehrpour

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-8, 11-13, 16-24**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahai et al.(US Publication 2002/0076010 A1) in view of Moore et al. (US Publication 2003/0185369)

Regarding claims 1, 12, 17, Sahai teaches an apparatus/method for delivering a voice mail message to a recipient, comprising:

a memory (0026, 0048); and

at least one processor, coupled to the memory, operative to (0047):

receive said voice mail message from a sender (0026);

obtain a presence status of said sender from a presence server (0028); and

deliver said voice mail message to said recipient to automatically respond to the sender an indication of a presence of said sender (0028, 0037, 0039, 0040, 0041, 0056). Sahi fails to teach an apparatus/method wherein an indication including an identification of at least one device where the sender is present. However, Moore

teaches an apparatus/method wherein an indication including an identification of at least one device where the sender is present (0019, 0088). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Moore with Sahai, in order to increase the flexibility and ease with which parties may establish communications, and to achieve advantage in establishing communications despite the increased use of multiple, and often disparate of communication devices.

Regarding claims 2, 18, Sahai teaches a method/apparatus wherein said presence server extracts presence information from a plurality of presence data stores (0031-0032).

Regarding claims 3, 19, Sahai teaches a method/apparatus of claim 2, wherein said presence server translates said presence information to a standard format (0039, 0040).

Regarding claims 4, 20, Sahai teaches a method/apparatus wherein said presence server determines said presence status of said sender based on one or more rules that aggregate extracted presence information (0032).

Regarding claims 5, 21, Sahai teaches a method/apparatus wherein said recipient responds to said sender in another domain (0032).

Regarding claims 6, 22, Sahai teaches a method/apparatus wherein said presence information indicates if the message sender can be reached at one or more indicated devices (0024, 0032).

Regarding claims 7, Sahai teaches a method of claim 1, wherein said presence information is obtained from a user registration process (0024, 0027).

Regarding claims 8, Sahai teaches a method of claim 1, wherein said presence information is obtained by observing activities of a user (0031, 0032, 0033).

Regarding claims 11, 16, 23, Sahai teaches a method/apparatus wherein said recipient can respond to said sender using a non-textual form of communication (0031).

Regarding claim 13, Sahai teaches a method of claim 12, wherein said providing step allows said recipient to respond to said sender in another domain (0031-0032).

Regarding claim 24, Sahai teaches an apparatus of claim 17, wherein said presence status indicates a presence status of said sender across a plurality of domains (0032-0033).

2. **Claims 9-10, 14-15**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahai (US Publication 2002/0076010) in view of Moore et al. (US Publication 2003/0154293) in further view of Haim (US Patent 6,718,014)

Regarding claims 9, 14, Sahai modified by Moore fails to teach a method/apparatus wherein said recipient can respond to said sender in real time. However, Haim teaches a method/apparatus wherein said recipient can respond to said sender in real time (col 4 lines 5-15, col 1 lines 8-14). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Haim with Sahai modified by Moore, in order to notify the user of the incoming telephone call in response to the telecommunication interface intercepting the incoming telephone call prior to ringing of the incoming telephone call.

Regarding claims 10, 15, Sahai modified by Moore fails to teach a method wherein said recipient can respond to said sender in non-real time. Haim teaches a method wherein said recipient can respond to said sender in non-real time (col 1 lines 8-14, col 4 lines 5-15). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Haim with Sahai modified by

Moore, in order to notify the user of the incoming telephone call in response to the telecommunication interface intercepting the incoming telephone call prior to ringing of the incoming telephone call.

### ***Response to Arguments***

3. Applicant's arguments filed 09/19/07 have been fully considered but they are not persuasive.

In response to the applicant's argument that "*the reference fails to teach the claims feature.*"

The Examiner asserts that Saha teaches a system, method, and computer program product are provided for conveying availability information of a calling party to a called party. A PBX serving the telephones of the calling and called parties is connected to a presence server. The presence server is also connected to a computer and/or other information device (such as a personal data assistant or telephone) of the calling party. After the calling party has left a voice mail message for the called party, the called party will subsequently retrieve the message, the PBX then queries the presence server as to the availability of the calling party. The presence server senses whether the calling party has indicated his or her presence; if so, it is inferred that the calling party is probably present and available for a return call. If the presence server detects no such indication by the calling party, it is inferred that the calling party is likely to be absent. The presence server responds to the query of the PBX by indicating the calling party's likely availability (or absence) to the PBX. Based on this information, the PBX modifies the voice mail message to include a statement that the calling party is

either available or unavailable. Sahi fails to teach an apparatus/method wherein an indication including an identification of at least one device where the sender is present. However, Moore teaches an apparatus/method wherein an indication including an identification of at least one device where the sender is present (0019, 0088). Therefore, by combining the above teaching of Moore with Sahai, increasing the flexibility and ease with which parties may establish communications, and to achieve advantage in establishing communications despite the increased use of multiple, and often disparate of communication devices.

#### **Conclusion**

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. **Any responses to this action should be mailed to:**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

December 10<sup>th</sup> 2007

NAGHMEH MEHREPOUR  
PRIMARY EXAMINER